

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

KENNETH COLE,)	
BRIGITTE BROWN,)	
)	
Plaintiffs,)	
)	
v.)	C.A. No. 05-270 (KAJ)
)	
DELAWARE TECHNICAL AND)	
COMMUNITY COLLEGE,)	<u>FILED UNDER SEAL</u>
)	
Defendant.)	

**APPENDIX TO
DEFENDANT'S OPENING BRIEF IN SUPPORT OF
ITS MOTION FOR SUMMARY JUDGMENT**

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Dated: April 17, 2006

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IN THE UNITED STATES DISTRICT COURT
IN AND FOR THE DISTRICT OF DELAWARE

KENNETH COLE and)	CONFIDENTIAL
BRIGITTE L. BROWN,)	
)	
Plaintiffs,)	
)	
v.)	C.A. No. 05-270 (KAJ)
)	(Consolidated)
)	
DELAWARE TECHNICAL AND)	
COMMUNITY COLLEGE,)	
)	
Defendant.)	

Deposition of SUSAN ELIZABETH ZAWISLAK,
taken pursuant to notice at the offices of Margolis
Edelstein, 1509 Gilpin Avenue, Wilmington, Delaware,
beginning at 3:00 p.m. on Friday, January 27, 2006,
before Ann M. Calligan, Registered Merit Reporter and
Notary Public.

APPEARANCES:

LORI A. BREWINGTON, Esquire
MARGOLIS EDELSTEIN
1509 Gilpin Avenue
Wilmington, Delaware 19806
on behalf of the Plaintiffs,

JAMES H. McMACKIN, III, Esquire
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P.O. Box 2306
Wilmington, Delaware 19899-2306
on behalf of the Defendant.

WILCOX & FETZER
1330 King Street - Wilmington, Delaware 19801
(302) 655-0477



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COPY

1 Q. And with respect to reclassification, is there
2 a requirement that an employee must be able to
3 complete the additional job duties within their
4 regular working hours?

5 MR. McMACKIN: I'm going to object to
6 form.

7 BY MS. BREWINGTON:

8 Q. You can answer.

9 A. Could you repeat the question again?

10 Q. My question is, with respect to
11 reclassification and the policy on reclassification,
12 isn't there a requirement that, in order for an
13 individual or an employee to be reclassified into
14 another position, they must be able to work those
15 additional duties of that other position within their
16 regular working hours, is that correct?

17 A. I was not aware of that.

18 Q. You were not aware of that, but is that true?

19 A. Based on the information that was communicated
20 by our campus director, it has -- it has been
21 determined it is true.

22 Q. Now, could Paul Morris work the additional job
23 duties that a special programs director requires
24 during his normal work hours?



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Registered Professional Reporters

1 A. He completed those tasks required, but in order
2 to fulfill additional responsibility of his
3 position --

4 Q. His position meaning?

5 A. The Educational Talent Search program
6 manager --

7 Q. Okay.

8 A. -- functions.

9 Q. I'm not sure I understand.

10 A. The educational program manager functions are
11 the functions of a person who oversees one program.
12 The special programs director has the responsibility
13 not only for one program but for additional programs
14 as well of which there are separate program managers
15 for those parts of the position. It is, again, called
16 a special programs director.

17 Q. I'm not sure you answered my question, though.
18 My question was, prior to being reclassified, did Paul
19 Morris -- or was he able to perform those additional
20 job duties of special programs director prior to being
21 classified as special programs director within those
22 work hours?

23 MR. McMACKIN: Objection to form.

24 I don't understand the question either.



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Susan Elizabeth Zawislak -- Brewington

15

1 I'm sorry.

2 BY MS. BREWINGTON:

3 Q. All right. I'll try this again because I
4 really want to make sure you understand the question.
5 Prior to the reclassification -- okay? That's what we
6 are talking about -- was Paul Morris able to perform
7 the additional job duties of special programs director
8 within his regular work hours?

9 A. The duties of a special programs director
10 include coordinating responsibilities, best practices,
11 some of the responsibilities that he did perform
12 during the work hours.

13 Q. Is it fair to say that he was not able to
14 perform all the duties of special programs director
15 within his regular work hours?

16 A. That is not fair to say.

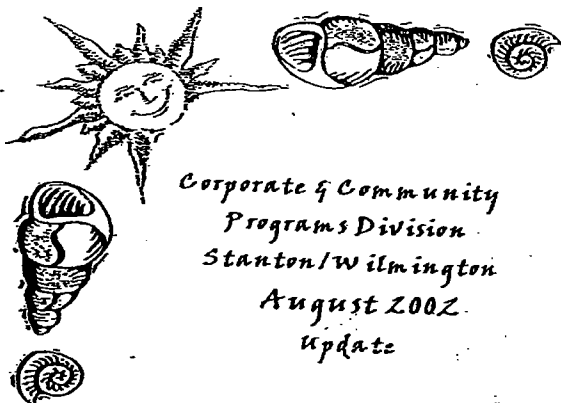
17 Q. Why not?

18 A. Because there is a position that he had been
19 reclassified to that is called special programs
20 director, which would be a position that would be a
21 37 1/2 hour, full-time position. Am I missing
22 something?

23 MR. McMACKIN: Off the record for a
24 second.



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PEOPLE

Diana Ritchie and Mary Beth Vore are welcome additions to the CCP Wilmington office staff. Diana is working in the Upward Bound Classic program, and Mary Beth will be helping with WIA programs. Stop by and say hi!

Paul Morris has been promoted to Special Programs Director, and in addition to Educational Talent Search, has oversight responsibilities for the Federal Trio programs, headed by Upward Bound Math/Science (Rose Henderson, Program Manager) and Upward Bound Classic (Kate Sullivan, Program Manager).

Olive Robbins has undergone surgery, and has come through fine—please keep her in your thoughts as she continues to recuperate. She hopes to be back part-time on August 26th.

Let's welcome back Peggy Jones to the CCP office—she's been recuperating from surgery and returned to full duty on Wednesday July 31st. We're glad she's back!!!

Please extend your best wishes to Dionna Harris, who has accepted a new position with the Christina School District effective August 30th. She will be working as a counselor with at-risk and special needs children.

PROGRAMS

During the summer, while the pace of our non-credit professional and personal development classes slows down, summer youth programs really take off. Some (and certainly not all!) of the highlights:

➤ SUMMER CAMPS

New Camps were added this year, which included Kids in the Kitchen, Wonders of Web Design, Girl Scout, Build It, Bank It (in partnership with JP Morgan Chase), Health Careers, and Computer Camp (one of which was provided for the Girl Scouts). All in all, JP Morgan Chase and the Girl Scouts provided scholarships for 37 students to attend camps, and campers who attended the JP Morgan Chase camp received a computer (free of charge!) donated through the Educational Foundation. Wow!

DEF 000284

GRIEVANCE FORM

NAME Kenneth Cole POSITION Student Enrichment

DATE OF OCCURRENCE Mid to late Aug 02

(Circle one) FIRST SECOND THIRD

TYPE OF GRIEVANCE I am exercising my rights from UT&CC Personnel Policy Manual Sect. XIII titled Grievances, 13.01, 13.02 & 13.05

I am filing a policy interpretation grievance because I feel the terms and conditions of my employment by the College have been materially adversely affected by a violation in policy (see attachments for detailed explanations) in the promotion of Paul Morris into "Special Programs Director position.

SPECIFIC REMEDY DESIRED _____

INFORMAL DISCUSSION HAS FAILED TO SATISFACTORILY RESOLVE THE PROBLEM. ALL INTERMEDIATE SUPERVISORS (IF ANY) HAVE BEEN NOTIFIED IN WRITING THAT A FORMAL GRIEVANCE IS BEING FILED.

EMPLOYEE'S SIGNATURE Kenneth Cole DATE 9-5-02

DATE RECEIVED _____ RECEIVED BY _____

DECISION _____ POSITION _____

DATE OF DECISION _____ SIGNATURE _____

_____ POSITION _____

Rev. 2/1/83

RECEIVED
SEP 05 2002
BY: mbv

TOTAL P. 02

DEF 000318

13927

DEL TECH WILL IS

PAGE 02

PAGE 1

GRIEVANCE FORM

It is my belief that promoting Paul Morris into the position of Special Programs Director violated section III, 3.01 titled **Position in Salary Plans A and B**.

Because the Special Programs Director Position existed and the Special Programs Director's position was not posted (it has been thoroughly investigated via Human Resources), there was a violation of Section III 3.01 **Positions in Salary Plans A and B** which states: Regular, full-time position vacancies shall be posted for a minimum of fifteen (15) calendar days.

The following exceptions (L) do not apply because we were told by Ann Del Negro and Sue Zawislak in a mandatory meeting approximately a year ago that Paul Morris will be a liaison between the Program Managers and Ann Del Negro.

3. When a position is posted internally for regular, full time and regular, part-time DTCC employees, it shall be posted for a minimum of ten (10) days.

This did not happen.

It is also my belief that promoting Paul Morris into the position of Special Programs Director violated section IV titled **Promotions and Transfer Policy**.

4.01 Promotion Policy

States: In filling vacancies, qualified regular college employees will receive equal consideration for promotion, in accordance with the College's Statement of Affirmative Action Policy, regardless of race, color creed, sex national origin, etc.;

and

4.02 Transfer of Full-Time Employees

1. Transfer from One Position Classification to Another

If Paul Morris was reclassified, policy was violated because Paul Morris went from a Program Manager pay grade 16 to the Special Programs Director pay grade 17, and "quantum leaped" into a new position (that has been investigated as well, via Human Resources).

DEF 000319

13527
DEL TECH WILM HR
PAGE 64
Exhibit "A"

*Corporate & Community
Programs Division
Stanton/Wilmington
August 2002
update*

PEOPLE

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PROGRAMS

During the summer, while the pace of our non-credit professional and personal development classes slows down, summer youth programs really take off. Some (and certainly not all!) of the highlights:

➤ **SUMMER CAMPS**

New Camps were added this year, which included Kids in the Kitchen, Wonders of Web Design, Girl Scout, Build It, Bank It (in partnership with JP Morgan Chase), Health Careers, and Computer Camp (one of which was provided for the Girl Scouts). All in all, JP Morgan Chase and the Girl Scouts provided scholarships for 37 students to attend camps, and campers who attended the JP Morgan Chase camp received a computer (free of charge!) donated through the Educational Foundation. Wow!

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PAGE

GRIEVANCE FORM (con't)

Finally, It is my belief that promoting Paul Morris into the position of Special Programs Director violated section I Policies to Nondiscrimination and Affirmative Action

1.01 Statement of Affirmative Action Policy

It is also my belief that promoting Paul Morris into the Special Programs Director's position and still allowing him to function as Educational Talent Search Program Manager is a conflict of interest and violates Policy by not affording me the opportunity to apply for that position.

See Exhibit "A", which is the only formal announcement of his position other than Paul Morris relaying the information to Upward Bound Math/Science (UBMS) Program Manager, who relayed the information to the UBMS group.

An attempt to resolve or even discuss the grievance has failed. Telephone calls and e-mails have failed. I have the necessary documentation of e-mails dates and telephone calls if needed.

A copy of the Grievance Form has been submitted to the appropriate managers/supervisors;

DEF 000321

MEMORANDUM

TO: CCP Staff

FROM: Susan E. Zawislak
Director

DATE: September 9, 2002

SUBJ: CCP August Update Revision

In a memo dated May 15, 2002, issued by Karen Stone, Associate Vice President for Human Relations, to Salary Plan B Merit Comparable Employees and Salary Plan C Regular, Part-Time Merit Comparable Employees, the open period for reclassification review was announced to be held May 16-May 31, 2002.

According to Karen's memo - *In order to be eligible for a classification review, there must have been a SIGNIFICANT change in the duties and responsibilities of the position since last evaluated and classified/reclassified. Reclassification requests may be initiated by either the employee or the supervisor. In either case, a "DTCC Position Classification Review Statement of Significant Change" form must be completed. This form is available in each campus Human Resources Office.*

As a result of this process, as of July 1, 2002, Paul Morris was reclassified to Special Programs Director, not promoted, as noted in the CCP August update.

SZ:lg

DEF 000329

Memorandum

To: Kenneth Cole, Student Enrichment Coordinator
Upward Bound Math Science Program

From: Susan E. Zawislak, Ed.D., Director
Corporate & Community Programs Division

Date: September 25, 2002

Re: GRIEVANCE (W03-102)

I have completed the review of your grievance, and related attachments, and offer the following information to clarify the issues you raised.

It is important to know that job postings or transfers for regular full-time positions can only occur when a *vacancy* exists for a specific position, and when the *vacancy* is assigned a *LAP* number. Since there was no *vacancy* or *LAP* number that existed at the Stanton/Wilmington Campus for a Special Projects Director, a promotion or transfer was not possible.

Paul Morris' revised employment status resulted from the annual reclassification process open to Salary Plan B Merit Comparable Employees and Salary Plan C Regular, Part-time Merit Comparable Employees. It was incorrectly stated in the August 2002 CCP Update e-mail that Paul Morris received a promotion. A revised Update was e-mailed to all CCP staff on September 11th clarifying that Paul's position was reclassified (See Attachment I)

Based on this information, I believe that the employment action taken is not in violation of college policy.

SEZ

cc: Kathi Karsnitz, Chief Legal Counsel &
Associate Vice-President for Human Resources

DEF 000348

11/04/2002 08:55 3025773827

DEL TECH

PAGE 03/03

CHARGE OF DISCRIMINATION		ENTER CHARGE NUMBER	
This form is affected by the Privacy Act of 1974		<input type="checkbox"/> FEPA 0210686 <input type="checkbox"/> EEOC 17CA300043	
Delaware Department of Labor		and EEOC	
(State, or local Agency, if any)			
NAME (Indicate Mr., Mrs., Ms) Mr. Kenneth Cole		HOME TELEPHONE NO. (Include Area Code) 302-477-1788	
STREET ADDRESS 3102 Wilmont Drive		CITY, STATE AND ZIP CODE Wilmington DE 19810 NCC	
COUNTY			
NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (If more than one, list below.)			
NAME Delaware Technical & Community College		NO. OF EMPLOYEES OR MEMBERS 15+	TELEPHONE NUMBER (Incl. Area Code) 302-454-3916
STREET ADDRESS 333 Shipley Street,		CITY, STATE AND ZIP CODE Wilmington, DE 19801	
NAME		TELEPHONE NUMBER (Include Area Code)	
STREET ADDRESS		CITY, STATE AND ZIP CODE	
<input checked="" type="checkbox"/> RACE <input type="checkbox"/> COLOR <input type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input type="checkbox"/> NATIONAL ORIGIN <input type="checkbox"/> AGE <input type="checkbox"/> RETALIATION <input type="checkbox"/> DISABILITY <input type="checkbox"/> OTHER (Specify)		DATE DISCRIMINATION TOOK PLACE EARLIEST 8/1/2002 LATEST 10/8/2002 <input checked="" type="checkbox"/> CONTINUING ACTION	
THE PARTICULARS ARE (If additional space is needed, attached extra sheet(s):			
<p>I. I am black male individual who began my employment with Respondent on October 1999, as a Student Enrichment Coordinator at the Wilmington Campus. On or about August 2002, I was not provided the opportunity to post or apply for the position of Special Program Director because Respondent failed to post the position. Shortly thereafter, Paul Morris, Program Manager (white male) was promoted to the position of Special Program Director. On 09/05/02, I filed a grievance with Human Resources with regard to the position not being posted. Furthermore, in August of 2002, Paul Morris, Program Manager (white male) informed me and similarly situated co-workers who are all black: Bridgitte Brown, Elizabeth Wilson, Rosetta Henderson that we were being moved out of our offices. Respondent met with everyone except Tonia Conley, on a one on one basis. Respondent would not meet with everyone collectively. Ultimately, on 10/08/02, myself and all of my similarly-situated black co-workers were all moved out of our offices into a small confined space and our offices were given to the following individuals: Rachel (last name unknown, white female), Temporary Part-Time employee who has only been employed for approximately 3 months, Peter Lonie (white male) and Crystal Heath (black female).</p> <p>II. Paul Morris explanation was that it was his vision to have all trio programs together & in a define space. However, Director of CCP, Sue Zawsilak, stated that the move was based on downsizing in the area and the allocation of space.</p> <p>III. I believe I have been discriminated against in violation of Title VII of the Civil Rights Act of 1964, as amended, and the Delaware Discrimination in Employment Act because: In the August newsletter it was announced that Paul Morris was being promoted to Special Programs Director, a position which was not posted. After I filed the grievance I was told that Mr. Morris was not promoted; that it was a reclassification. In October all of the blacks were moved into a small confined space and our officed were given to all white individuals except one, who have less seniority and less experience.</p>			
<input checked="" type="checkbox"/> I also want this charge filed with the EEOC. I will advise the agencies if I change my address or telephone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.		SIGNATURE OF COMPLAINANT	
I declare under penalty of perjury that the foregoing is true and correct.		I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.	
10-15-02 Kenneth Cole Date Charging Party (Signature)		NOTARY - (When necessary to meet State and Local Requirements) Subscribed and sworn to before me this date (Day, month, and year)	

EEOC FORM 5
REV 6/92

PREVIOUS EDITIONS OF THIS FORM ARE OBSOLETE AND MUST NOT BE USED

DEF 000366

KENNETH COLE

Page 1

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

KENNETH COLE, : C.A. No.:
BRIGITTE L. BROWN, : 05-270 KAJ
Plaintiffs, :
v. :
DELAWARE TECHNICAL AND :
COMMUNITY COLLEGE, :
Defendant. :

Deposition of KENNETH COLE, taken pursuant
to notice before Tanya M. Congo, a Notary Public and
Certified Shorthand Reporter, at the offices of
Morris, James, Hitchens & Williams, LLP, 222 Delaware
Avenue, 10th Floor, Wilmington, Delaware, on Tuesday,
February 7, 2006, beginning at approximately 1:05
p.m., there being present:

APPEARANCES:

MARGOLIS, EDELSTEIN
1509 Gilpin Avenue
Wilmington, Delaware 19806
BY: LORI A. BREWINGTON, ESQUIRE
Attorney for Plaintiffs

MORRIS, JAMES, HITCHENS & WILLIAMS, LLP
222 Delaware Avenue, 10th Floor
Wilmington, Delaware 19899
BY: DAVID H. WILLIAMS, ESQUIRE
Attorney for Defendant

Also present: Brigitte L. Brown
Paul Morris

KENNETH COLE

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1 Q. During your years of employment by the
2 college, you've continuously operated that business
3 in addition to working for the college?

4 A. Yes.

5 Q. How many employees do you have?

6 A. Right now?

7 Q. Yes.

8 A. One, but we hire summer help when needed,
9 and a secretary when needed, and consultants because
10 sometimes we do quarterly inspections, so we'll hire
11 consultants to do the quarterly inspections.

12 Q. Describe, at least generally, the nature
13 of the business?

14 A. Like I said before, it's a -- we're a
15 credit reporting agency. It started off with real
16 estate investment, and we are now a credit reporting
17 agency, and we provide background screening,
18 employment screening, credit checks, criminal
19 reports, criminal background checks, to the
20 government, to industry, local, federal government,
21 and corporations.

22 Q. Is the business a corporate entity?

23 A. Yes.

24 Q. Is it wholly owned by you?

KENNETH COLE

Page 11

1 A. No.

2 Q. Do you have partners, or other people that
3 have an equity interest?

4 A. Yes.

5 Q. Are they actively involved in the business
6 as well?

7 A. Part time.

8 Q. And you're engaged in that business part
9 time?

10 A. Yes.

11 Q. Over the years -- you're still employed by
12 the college today?

13 A. Yes.

14 Q. Over the years that you have been employed
15 by the college, have you devoted about the same
16 amount of time to this business on average over those
17 years, or has it varied from year to year and month
18 to month?

19 A. It varies from year to year and month to
20 month.

21 Q. Let's take 1995. Can you approximate how
22 much time you devoted to your outside business during
23 1995?

24 A. In the year of 1995?

KENNETH COLE

Page 12

1 Q. Yes.

2 A. An educational guess, I was on about 29
3 hours a week at Del Tech, come to the business about
4 2:00, 2:30. Sometimes go from that time till 6
5 o'clock, 7 o'clock, 8 o'clock, or 9 o'clock, 10
6 o'clock. Some days 5:30, some days 10:30. It
7 varied. It depends on the work, you know. When I
8 walk into the office it depends on the workload and
9 what kind of issues and concerns we had to -- I had
10 to manage.

11 Q. Would it be fair to say on average you
12 devote 3 1/2 to 5 or 6 hours a day to your business?

13 A. It's hard to say. I mean, I never thought
14 about averaging the time. I would like to average a
15 couple hours a day because the business is fairly
16 simplified, meaning that our clients pretty much go
17 to our website and download credit reports or
18 criminal reports. And if they have issues, I have to
19 address those issues, but they're not many.

20 But there's another part of the
21 business. The real estate business may require some
22 time. So, I mean, it's hard to say. I mean, to give
23 you a number it wouldn't be fair to me because it may
24 not reflect the true hours that I put into the

KENNETH COLE

Page 13

1 business.

2 Q. From the outset of your employment by the
3 college, you've been part time; isn't that correct?

4 You're a part-time employee at the
5 college?

6 A. Yes.

7 Q. Meaning no more than 29 hours a week with
8 -- I understand there have been some exceptions to
9 that, but generally speaking?

10 A. Yes.

11 Q. And is it not also correct that you have
12 never applied for a full-time position at the
13 college?

14 A. Yes.

15 Q. Would it also be fair to say that given
16 your outside business interest that you've described,
17 that you have not had a desire to be a full-time
18 employee of the college?

19 A. It depends on what's available. If, for
20 instance, the Special Programs Director position
21 interests me, and I would have to make a decision,
22 analyze where the business is and who can manage that
23 business, and what the income level of the position
24 like a Special Program Director would generate. What

KENNETH COLE

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1 page. It states, in filling vacancies qualified
2 regular college employees receive equal consideration
3 for promotion in accordance with the college's
4 statement of affirmative action policy, regardless of
5 race, color, creed, sex or national origin.

6 And go to page 3, finally, it's my
7 belief that promoting Paul Morris into the position
8 of Special Programs Director violated Section 1
9 policy to non-discrimination affirmative action. And
10 that's the statement.

11 Q. So you're telling me that if, in fact,
12 this position had been posted, you would have
13 applied?

14 A. I'm telling you the fact -- I'm sorry. I
15 sort of jumped the gun. Repeat that for me. I'm
16 sorry.

17 Q. Are you telling me that if this position
18 had been posted, at that time you would have applied?

19 A. I'm telling you that I would have
20 evaluated the situation -- it was an interesting
21 position -- and taken into consideration and factor
22 in the business, and factor in the wage increase, how
23 much the wage increase would have been at that time.

24 I would have weighed all the options

KENNETH COLE

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1 Q. And the college was asking you for medical
2 documentation that you couldn't work your full
3 schedule, and how long was that going to last, and
4 what were the restrictions in terms of how many hours
5 you could work?

6 A. You mean Sue, Sue Zawislak, I guess?

7 Q. Yes. That's what she was asking of you?

8 A. There were a lot of E-mails in between
9 here. What's the date of this?

10 Yeah, there's some E-mails in between
11 here, but basically, with this E-mail, yes.

12 Q. This actually looks like it's a
13 memorandum, not an E-mail.

14 A. Yeah, I'm sorry, memo.

15 Q. And if I understand what this document
16 says about the position you took, first of all, it
17 was your position that as long as you worked anywhere
18 between 15 and 29 hours, that you had a right to do
19 that?

20 A. Right to do what?

21 Q. Work however many hours you chose to work
22 as long as it fell between 15 and 29 hours a week?

23 A. Yes, per my contract. I signed a
24 contract.

KENNETH COLE

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1 You have it. In paragraph 21 of the
2 Complaint, but it's not paginated, so I don't know
3 what page it is, you talk about the fact that Room
4 408 had been Ann Del Negro -- was at one time Ann Del
5 Negro's single office; is that correct?

6 A. This is not -- it looks like this was
7 merged, and it's not -- this is not my statement
8 there. The document was merged.

9 What was your question again, I'm
10 sorry.

11 Q. Paragraph 21 says that the office that
12 UBMS group was being forced to move into, had been
13 Ann Del Negro's former single office?

14 A. Yes, I agree with that.

15 Q. It was not Ann Del Negro's office
16 immediately prior to UBMS group moving into 408, was
17 it?

18 A. No.

19 Q. In fact, it had been occupied by a program
20 called To the Max, which ceased to exist because of
21 funding issues, and, then it became SOAR?

22 A. I don't know about it ceased to exist. I
23 know that it was To the Max and, then SOAR.

24 Q. And when To the Max was in there, there

KENNETH COLE

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1 were about -- there were two full-time Coordinators
2 occupying the space that you currently occupy -- you
3 and others currently occupy?

4 A. Two full-time African American
5 Coordinators, and one, sometime, secretary.

6 Q. Paragraph 22, I think, is talking about
7 the meeting that you described with Ann Del Negro
8 when you were reading from a piece of paper, and
9 talking about employee relations, morale,
10 productivity --

11 A. Yes.

12 Q. -- treated unfairly, unequally, ulterior
13 motives; that's an accurate allegation?

14 A. Yes.

15 Q. And prior to your being moved to Room 408,
16 you occupied a small office on kind of the opposite
17 hallway from where Room 408 is located?

18 A. Well, it's not sort of opposite. It's
19 sort of across the hall. But, yes, we did occupy --

20 Q. The hall goes in a square?

21 A. Right.

22 Q. And you were at the southwest corner of
23 that square, your former office?

24 A. Yes, at the end where 408 is is north

KENNETH COLE

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1 Q. Because you never requested a promotion?

2 A. No.

3 Q. This document talks about in paragraph 77,
4 and also it talks about humiliation, mental anguish
5 and emotional pain. Is that another mistake, or --

6 A. Oh, no. That's two different issues.

7 Q. Do you have a claim for mental distress,
8 humiliation?

9 A. Oh, no, that's another piece that was
10 merged. No, the mental anguish and emotional stress
11 is Ms. Brigitte.

12 Q. So you're telling me you have no such
13 claim for damages?

14 A. Well, I have a claim for damages, yes.

15 Q. For --

16 A. I'm looking at compensatory and punitive.

17 Q. Do you have a claim for damages arising
18 out of humiliation, mental anguish and emotional
19 pain?

20 A. Yes.

21 Q. I may have given you a copy of this
22 earlier, but perhaps not. This is a copy of your
23 response to Answers to Interrogatories filed in this
24 case. It's been marked for identification as Cole-2.

KENNETH COLE

Page 95

1 O P E N S E S S I O N

2 (Thereupon, the confidential section
3 of the deposition was concluded, and the deposition
4 proceeded as follows:)

5 BY MR. WILLIAMS:

6 Q. How are you paid currently?

7 Hourly would be a part-time employee
8 and you're paid for each hour that you work?

9 A. Correct.

10 Q. You're not paid by salary?

11 A. No.

12 Q. And from October, 2002 until the present,
13 there was obviously a time in 2003 when you were
14 working less than 29 hours a week; isn't that right?

15 A. Yes.

16 Q. You were working how many hours, 20 hours
17 a week?

18 A. Yes.

19 Q. How long did that go on?

20 A. September of 2002, I recall, till about
21 March or April of 2003.

22 Q. You were only able to work 20 hours a week
23 for health reasons?

24 A. Yes.

KENNETH COLE

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1 Q. You would not have, during that period of
2 time, been able to fulfill the requirement of working
3 in a full-time position at the college?

4 A. I didn't know that in 2000 -- I didn't
5 know the illness was going to occur at that time.

6 Q. When did you first become ill?

7 A. It was end of August, I think it was.

8 Q. End of August, 2002?

9 A. Yes.

10 Q. And were you hospitalized for awhile?

11 A. Three days.

12 Q. And after you came out of the hospital, is
13 when you were working a reduced schedule?

14 A. Yes.

15 Q. Of about 20 hours a week?

16 A. Yes.

17 Q. So my question again is, as of that time,
18 end of August, September, and right through whatever
19 date it is you identified in 2003, you would not have
20 been able to fulfill the requirement of working in a
21 full-time position at the college?

22 A. On the doctor's orders, no.

23 Q. So in other words, my statement is
24 correct?

KENNETH COLE

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1 A. The -- whatever you asked me. You asked
2 me -- I think you asked me if the results of the Fire
3 -- the Fire Inspector's results, were they -- did I
4 see the documentation of the findings.

5 Q. Well, that was two or three questions ago.
6 The question that's pending now is, are you aware of
7 any agency outside the college which has determined
8 that there's a safety issue with Room 408?

9 A. That there is a safety issue?

10 Q. Yes.

11 A. No.

12 Q. In Room 408 you have furniture? You have
13 a desk and a chair?

14 A. Yes.

15 Q. Computer?

16 A. Yes.

17 Q. What other equipment is in that room? Fax
18 machine?

19 A. No, there's no fax machine.

20 Q. Is that in the side office, the small side
21 office?

22 A. No, we don't utilize that.

23 Q. Is there a fax machine there?

24 A. I'm not so sure any more because it

KENNETH COLE

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1 doesn't have a dedicated fax line, so we have to go
2 to Room 430.

3 Q. But you have your own computer?

4 A. Yes.

5 Q. Phone?

6 A. Yes.

7 Q. The equipment that you have is similar to
8 the equipment that other TRIO employees have?

9 A. Yes, I think we may have a little bit
10 more. I think we have a scanner that Ms. Brown was
11 using.

12 Q. Is there sufficiently lighting in the
13 room?

14 A. Yes.

15 Q. It is, in fact, a room. It's not --
16 you're not sitting out in the hallway?

17 A. Say again.

18 Q. It is, in fact, an enclosed room. You're
19 not sitting out in the hallway?

20 A. Right.

21 Q. There are two doors in and out?

22 A. Yes.

23 Q. It's your belief, obviously, that Room 408
24 is an uncomfortable place to work?

KENNETH COLE

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1 A. I'm sorry. Repeat that, please.

2 Q. Is it your belief that Room 408 is an
3 uncomfortable place to work?

4 A. Yes, absolutely. It's just -- that's just
5 a light term. Yes, no doubt about it. I think it's
6 a little bit stronger than uncomfortable, but.

7 Q. Have you ever been disciplined by the
8 college?

9 A. No.

10 Q. Have you been threatened with termination?

11 A. Yes.

12 Q. That was in connection with the medical
13 documentation?

14 A. Yes.

15 Q. The numbers of hours you were working per
16 week, did that change as a result of your move to
17 408?

18 A. Direct result, it has changed. My hours
19 have changed.

20 Q. The start time?

21 A. The start time. I don't understand your
22 question.

23 Q. The starting time of your hours is that
24 what has changed?

KENNETH COLE

Page 117

1 A. Yes.

2 Q. The move to Room 408 did not result in the
3 loss of salary or pay?

4 A. No.

5 Q. As a part-time employee, do you receive
6 benefits?

7 A. No.

8 Q. Did you receive benefits before you were
9 moved to Room 408?

10 A. No.

11 Q. Did your title change as a result of the
12 move?

13 A. No.

14 Q. Did your responsibilities change?

15 A. No.

16 MR. WILLIAMS: Give me a few minutes
17 and I'll check through and make sure I don't have any
18 other questions.

19 MS. BREWINGTON: That's fine.

20 (Recess)

21 BY MR. WILLIAMS:

22 Q. Mr. Cole, are you able to point to or
23 refer me to any document which indicates that
24 Jacquita Wright Henderson was acting Program Manager?

05/25/04 07:45am P. 002

**DELAWARE TECHNICAL
& COMMUNITY COLLEGE
WILMINGTON CAMPUS
WILMINGTON, DE 19801**

**UPWARD BOUND
MATH AND SCIENCE
CENTER**

**PROGRAM YEARS
2000 - 2005**

OCTOBER 2, 1998

DEF 000018

The college provides the Upward Bound Math and Science Center with a suite of offices conveniently located in the East Wing of the Wilmington Campus (Please see floor plans on the following page). In the same building with the cafeteria, student services, library, career center and academic skills laboratories and with easy access to the West Building with the library and fitness center, the Upward Bound Math and Science Center will be within easy reach of students. The Center also has access to all other college facilities, and the use of college vehicles for transportation.

The East Wing is easily accessible and offers many educational advantages. The office suite provides space for the secretary's office together with file cabinets and office equipment. The counselor will use one of the cubical style offices. The Center Director occupies the large office; it has space for staff meetings, storage and tutoring. The suite of offices provides privacy for confidential conversation with center participants. In addition, space in the Basic Skills Center, library and campus classrooms is available for tutoring purposes and group meetings.

By placing the Upward Bound Math and Science Center in the same building with other student support services, such as the financial aid and admissions offices, both the Upward Bound Math and Science staff and the participants have ready access to information. Access to these offices is vital, and college staff have already shown their support for the program by offering assistance in retrieving and clarifying information and by supporting students who are referred to them. In particular, the Financial Aid Office, Marketing Office and Counseling staff have agreed to extend to the program materials and hours to provide all participants with better information.

**DELAWARE TECHNICAL AND COMMUNITY COLLEGE
HOURLY EMPLOYEES-PERSONNEL DATA FORM**

REASON FOR PDF 86 NEW HIRE HOURLY		CAMPUS 104	PDF EFFECTIVE DATE 1999/11/01						
SOCIAL SECURITY NUMBER -2919		CAMPUS PHONE NUMBER 302-571-5300	HOME PHONE NUMBER 302 477-1788						
NAME COLE		KENNETH		SEX M					
EMPLOYEE MAILING ADDRESS - STREET 1 3102 WILMONT DRIVE		ETHNIC ORIGIN BLACK	DATE OF BIRTH						
STREET 2		COUNTY N NEW CASTLE	MARITAL M						
CITY WILMINGTON		STATE DE	ZIP CODE 19810	ZIP+4					
TYPE EMPLOYEE 14 Temporary, P		STATUS EMPLOYEE 01 Active (Currently	EEO-6 CATEGORY 3 Professional						
HOURLY HIRE DATE		AGENCY HIRE DATE 1999/11/01	STATE EMP. DATE 1999/11/01	LEVEL OF EDUCATION 06 Associate De					
CLASSIFICATION CODE (HOURLY) 3533 STUDENT ENRICHMENT COO		IBU/MBU CODE 2499 CONTINUING EDUCATION							
DEPARTMENT CODE 1100 CORPORATE AND COMMUNITY P		PAY GRADE C13	PRIMARY FUND 1750	SECOND FUND					
# FED. W/H 06	# STATE W/H 06	LOCAL TAX Y	PAYS FICA Y	PAYS PENSION N					
PAYS MEDICARE Y	TAX CODE 11								
EARLIEST PENSION - COVERED STATE EMPLOYMENT: BEFORE 07/01/76 = B AFTER 07/01/76 = A NO PENSION COVERAGE = X			AMOUNT OF CONTRACT \$ 0.00						
			HOURLY RATE \$ 14.88						
FOR REGULAR PART-TIME EMPLOYEES ONLY: _____ % OF CONTRACT			POSITION # 9526						
1861 UPWARD BOUND		<table border="1"> <tr> <td rowspan="2">APPROVALS</td> <td>EMPLOYEE SIGNATURE</td> <td>DATE</td> </tr> <tr> <td>DICC SIGNATURE</td> <td>DATE</td> </tr> </table>			APPROVALS	EMPLOYEE SIGNATURE	DATE	DICC SIGNATURE	DATE
APPROVALS	EMPLOYEE SIGNATURE	DATE							
	DICC SIGNATURE	DATE							

REDACTED

DELTA FORMS 302-682-3288

11/4/99 (11/23)

DEF 000130

DEF 000148

NOTES FROM MEETING WITH BRIGITTE BROWN AND KENNETH COLE

On Tuesday, September 3rd, 2002 at approx. 10:00 a.m., Brigitte Brown (RFT Student Enrichment Coordinator) and Kenneth Cole (TPT Student Enrichment Coordinator), both in the Upward Bound Math/Science Program, came to the Human Resources Office and asked to speak with me in Jackie Jenkins' absence. Brigitte was visibly upset. We sat around the table in Ms. Jenkins' office and I explained to them that I would be glad to listen and would be taking notes and would try to assist them to the best of my ability but advised them that this was not something I normally do, so I may need to call my superiors for guidance once all of the information was obtained. Brigitte and Ken began to share their concerns regarding several issues.

Issue 1: They have tried unsuccessfully to discuss their concerns with their superiors. They had met with their immediate supervisor, Rose Henderson, on several occasions. She supported them in pursuing more answers. Rose's immediate supervisor is Paul Morris, but since some of their issues revolved around him, they requested a meeting with Sue Zawislak. She did not respond to their requests (both voice mail and email) for over a week, and when she did, it was via an email to Rose to review their request and if she, as their immediate supervisor, felt this warranted further consideration, to set up a meeting with Paul Morris and Ann Del Negro. Brigitte and Ken had not gone to Ann Del Negro because when Paul Morris was reclassified to Special Programs Director with oversight of TRIO programs, he told them that Ann was "out of the loop" and that everything went through him now. When they met with Ann and Paul, they felt that Ann was very stern with them, berated them for trying to meet with Sue without meeting with her first, did not listen to all of their concerns, cut them short on several occasions, spoke to them like children, and repeatedly expressed that she was "very disappointed" in how they had handled things. They were very frustrated by the lack of direct communication and run-around they felt they were getting. Following their meeting with Paul and Ann, they requested another meeting with Sue, and she told Brigitte that she would be speaking with Ann on 9/3/02, but that Brigitte needed to follow protocol. They felt that Sue was avoiding/refusing to meet with them, so they were coming to Human Resources and then planned to request a meeting with Dr. Winner, Assistant Campus Director.

Issue 2: Subsequent to Paul Morris being reclassified to Special Programs Director, he shared in a meeting with the TRIO programs that part of his vision for the department was for each program to have a distinct office area. The Upward Bound Math/Science program employees (Rose, Ken, Brigitte and Liz Wilson) were told that they would be switching offices with the employees of the SOAR program. Currently, Rose, Ken and Brigitte all have individual offices on the same hallway, and their secretary, Liz Wilson, is in the Upward Bound Classic office. The office space they were being told to move to would be one larger office to be shared by Ken, Brigitte and Liz, and an adjoining office for Rose. The SOAR employees (Peter Lonie and Crystal Heath) would be moving into the individual offices and Tonia Perry Conley (Upward Bound Classic) would be moving from her individual office on the same hallway into the space currently used by Liz Wilson in the Upward Bound Classic office.

DEF 000305

Ken and Brigitte strongly believe that the space issues are largely a result of the continuing tension between Kate Sullivan and Tonia Perry Conley, who also have individual offices on the same hallway. They feel that they have received unfair and unequal treatment as a result of superiors trying to handle the Kate/Tonia issue. They suggested that if Tonia was going to move back to the Upward Bound Classic main office where Liz Wilson currently was, Liz could just move into Tonia's office, and then all of Upward Bound Math/Science staff would be on the same hallway. They were told that secretaries don't get offices. They also suggested as another alternative that they (Brigitte, Ken and Liz) could move to the office currently occupied by SOAR, but leave Rose in her own office, which would allow them less cramped quarters in the shared office space and would also allow for three Program Managers (Rose, Peter and Kate) to have offices on the same hallway.

Ken discussed concerns regarding the move with Paul in a meeting earlier this month, but was told that it was still going to happen. Rose went to Paul to request a meeting with Sue to discuss the move, and was told to have Ken and Brigitte submit in writing how the move would impact their job description. They all measured their office space and their recently purchased office furniture and found that they would be losing at least 30 square feet of office space, and there seemed to be no ability to install partitions. They feel that this move will impact morale and productivity. Their alternatives were suggested to Paul and Ann in their meeting, but they were told that their move was still on as scheduled. Their understanding from Paul was that the move would not occur before October, but were informed last week that the move was to occur September 3rd, 2002. They clarified that they were not refusing to move, but just were requesting that the move be put on hold until they had been heard by someone higher up.

Issue 3: Ken expressed his concern that Paul's promotion was a violation of policy and that he (or anyone else) should have had the opportunity to apply for it. I explained that the position was not a promotion, but was part of the annual reclassification review process which is open to all Plan B employees. He showed me the CCP newsletter, which indicated that Paul had been promoted and I informed him that "promoted" was an improper term for them to use. His concern with the reclassification is that if a position is reclassified to a higher paygrade it should be open for application. Also, it should be reclassified based on additional duties that the employee is currently performing, not that the employee will be expected to perform. According to Ken, last year TRIO employees were informed that Paul was serving as a liaison between Ann and the Program Managers, but he had no direct authority. Now he is issuing directives which is a marked change in job responsibilities. Brigitte and Ken both expressed concern that Paul is now serving in dual positions as Program Manager of Talent Search as well as Special Programs Director, and did not see how he could be a peer and a supervisor to the other Program Managers. In addition, they felt that he was essentially taking up two positions, and if his new title was Special Programs Director, then the Program Manager position should be available.

DEF 000306

Ken expressed that he wanted to file a grievance, and had already reviewed the Personnel Policy Manual. I spoke to Karen Stone, and relayed as much of the situation as I could without using names per Ken and Brigitte's request. Karen said that it was difficult for her to advise without specifics, but that based on what I told her, they did not seem to be grievable issues. She referred to the PPM, which designates that grievances must either be based on policy interpretation or disciplinary action. She further explained that in the reclassification process, a position that is reclassified to a higher paygrade does not need to be posted and that a person serving as a Special Programs Director could also serve as a Program Manager as part of his/her duties. She suggested that the most appropriate next step would be for them to meet with Sue Zawislak, and that in Jackie's absence, I should advise Dr. Winner of the situation. I relayed this information to Ken and Brigitte and put a call in to Dr. Winner's office, and was advised that she would return my call after 2:00 pm. Ken was scheduled to leave work at noon, so he agreed to keep in touch with Brigitte, and Brigitte said she would return to her office and wait to hear back from me. Ken said he was still interested in filing a grievance and asked that I obtain the necessary form for him, and I told him I would do so.

Cara Stanard
HR Specialist II
September 5, 2002

DEF 000307

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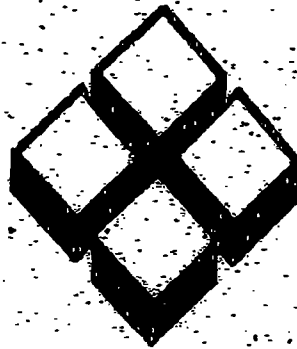
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ATTACHMENT #1

FY99 ACHIEVEMENT REPORT



**DELAWARE TECHNICAL
& COMMUNITY COLLEGE**

STANTON/WILMINGTON CAMPUS

DEF 000001

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PAGE 05

**FY 1999 Achievement Report
Corporate and Community Programs Division**

**CORPORATE AND COMMUNITY PROGRAMS DIVISION
STANTON/WILMINGTON CAMPUS**

COLLEGE EFFECTIVENESS

Goal 1 Complete the reorganization of the Corporate & Community Programs Division to provide more effective and efficient delivery of services. Campus Plan Goal

Objective 1 Review current organizational structure and staffing needs.

- The new Educational Training Specialist position category and coordinator/department chair structure was approved in July 1998. Assignments were allocated by program unit/departments within the CCP division. This provided for more accountability in budgets and staffing. As a result, some staff was reassigned based on workload and funding streams; other positions will be posted as part-time. Greater coordination and grouping of similar programs occurred in some areas while other areas of program overlap are under review. Our greatest challenge is to continue to modify the structure as new programs/funding streams are added or eliminated.

Objective 2 Reexamine existing office space and reallocate where appropriate.

- The CCP offices at both the Stanton and Wilmington campuses have become more efficient as a result of the reallocation of space to create neighboring programmatic working groups. Specifically: The Program Developers work adjacent to the office support staff (that handles inquiries and processes registrations) at Stanton. The Bell Atlantic Project team has moved into the A-wing at Stanton adjacent to the office support staff. The Camp on Campus staff now works adjacent to the office support staff. A three-room office suite in the A-wing was added to allow the cluster of ABC Programs and

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DEL TECH STANTON HR

PAGE 06

FY 1999 Achievement Report
Corporate and Community Programs Division

potential Vista employees at Stanton. The entire TRIO staff is now housed in the East-wing at Wilmington and while they are located on different floors, the individual programs are now in closer working groups. The Community Programming staff has moved into the Southeast-wing at Wilmington, and is now adjacent to CCP classrooms and facilities.

Objective 3 Evaluate current operational procedures and develop more uniformity throughout the division.

- *The Community Program component of CCP had completed a draft "process map" that explains the responsibilities and actions of core functions. This document helped to identify several key areas such as cash handling procedures, processing of registrations, and database management that lacked uniformity. We have since conducted meetings, drafted policies, and implemented procedures with the full intent of uniformity, yet have allowed a small degree of autonomy for programs that must follow different rules for different program/funding reasons. Standardization has also been discussed related to incoming software and internal systems.*

Objective 4 Analyze computer hardware and software needs and develop a division plan for future purchases.

- *A survey was drafted and conducted in the Fall that queried all CCP employees of the capabilities of their existing hardware and software. A report was compiled that identified our Division-wide needs for new and additional hardware and software. As a result of this plan eight new computers were purchased in April, which enabled us to give staff members significantly improved equipment. The use of compatible software versions will make the transfer of files more efficient and more frequent. While this reflects some progress, additional work is needed.*

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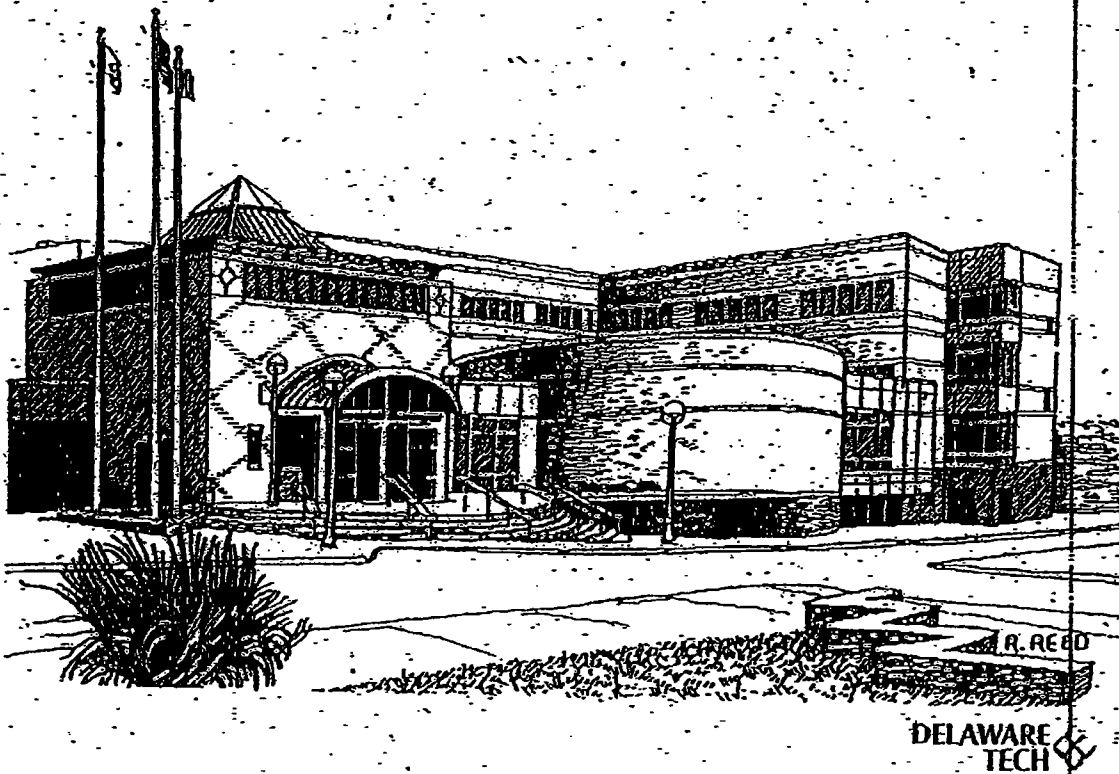
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ACHIEVEMENT REPORT

FY2000

Delaware Technical & Community College ♦ Stanton/Wilmington Campus



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DEL TECH STANTON HR

PAGE 08

**FY 2000 Achievement Report
Corporate and Community Programs Division**

- *DABC "To the Max" program added one full-time Student Enrichment Coordinator and three part-time SEC's. Housed at Wilmington Campus Corporate & Community Programs area.*
- *TRIO Upward Bound Math/Science hired 14 temporary part-time summer staff, including four Youth Care Workers, six Instructors, and four Tutors.*
- *Increased staffing of summer Camp Youth Programs to accommodate the increased enrollments in Camp-on-Campus, and to staff three newly organized specialty camps including Writer-Illustrator, Science, and Basketball. A total of ten temporary part-time counselors were added to the summer staff camp. The number of additional hires complies with standards set forth by State of Delaware Regulations Governing the Sanitation of Recreational Camps, Section 483.101 Ratio of Counselor to Campers.*
- *Hired one full-time Secretary to support the Program Manager and Student Enrichment Coordinator(s). Filled vacant Program Manager's position through in-house promotional opportunities. Continuing process to hire one full-time Student Enrichment Coordinator and one temporary part-time secretary.*
- *Hired one full-time Student Enrichment Coordinator and seven temporary part-time summer staff, including four Instructors and three Tutors.*

Objective 1.2 Re-examine existing office spaces and reallocate where appropriate.

- *Instituted dialogue with Administrative Services concerning office space needs of the three TRIO programs. Developing plans for reconfiguration of staff placement to promote highly efficient work groups.*
- *Secured space for supplies purchased from the Food Bank for TRIO and other youth programs' students.*
- *Camp Program office is under construction.*

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OPERATIONAL PLAN

FY2001

Delaware Technical & Community College ♦ Stanton/Wilmington Campus



DELAWARE
TECH ♦

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Corporate and Community Programs

PROMOTE ORGANIZATIONAL SYNERGY

Goal 13



Modify the Corporate & Community Programs organizational structure to provide effective and efficient delivery of services in a changing external environment.

Objective 13.1 Review current organizational structure and staffing needs.

Objective 13.2 Re-examine existing office space and reallocate where appropriate.

Goal 14

Re-examine evening and weekend support services in conjunction with other campus divisions.

Objective 14.1 Identify desired levels of service and support and review associated costs.

Objective 14.2 Review and improve communication process with credit and non-credit evening faculty.

Goal 15

Identify processes to interface more effectively with campus Student Services, Human Resources, and Business Offices.

Objective 15.1 In conjunction with Student Services, Instruction and the Business Offices, establish processes for the effective implementation of programs offered through the Workforce Investment Act (WIA).

Objective 15.2 Work with Human Resources to streamline hiring practices, background checks, leave reconciliation, and payroll related issues.

Objective 15.3 Work with the Business Office to streamline petty cash, deposits, and Supercard processes.

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DEL TECH STANTON HR

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*2002
Achievement Report*

- ❖ Established internal disbursement system in collaboration with the Business Office to disburse stipend and transportation expenses for Upward Bound Math/Science six-week summer program.
- ❖ Developed grant/contract closeout process in collaboration with Business Office to ensure that all outstanding documents efficiently process through the OMS/DFMS system.
- ❖ Implemented revenue deposit system to ensure that summer camp receipts are deposited in a timely manner.
- ❖ Continued to work with Business Office to refine third party billing procedures.
- ❖ Examined systems and controls that will enable CCP and Business Office to operate more efficiently and effectively.
- ❖ Meetings have been held between C&CP and the Campus Business Office and procedures outlined to streamline the WIA voucher process.

PROMOTE ORGANIZATIONAL SYNERGY

Goal 13



Modify the Corporate & Community Programs organizational structure to provide effective and efficient delivery of services in a changing external environment.

Objective 13.1 Develop procedures for continued periodic review of organizational structure and staffing needs.

- ❖ This is ongoing as a result of funding opportunities and challenges.

Objective 13.2 Continue to re-examine existing office space and reallocate where appropriate to meet changing needs of the Division.

- ❖ Additional office space for camp has been identified at Stanton.
- ❖ Computer rooms at Stanton and Wilmington have been upgraded.
- ❖ Youth computer lab was established at Wilmington.
- ❖ Tutoring Center has been upgraded.
- ❖ Relocated faculty office space has created an additional classroom in ITD.

Goal 14

Re-examine evening and weekend support services in conjunction with the Campus Director and other campus divisions.

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DEL. TECH STANTON HR

PAGE 12

2003 Operational Plan**Corporate and Community Programs Division****Goal 12****Strategic Goal 4.5**

 Implement the new administrative software system tool to create an interactive college community that optimizes the effectiveness of transactions for students, the use of information by employees, and the efficiency of business practices.

Objective 12.1 Play an active role in developing processes for CCP web registration and web payment.

Objective 12.2 Collaborate with the Business Office to identify and implement procedures for handling financial transactions in an efficient and timely manner.

PROMOTE ORGANIZATIONAL SYNERGY**Goal 13**

Modify the Corporate & Community Programs organizational structure and processes to provide effective and efficient delivery of services in a changing external environment.

Objective 13.1 Continue to monitor the organizational structure and staffing needs.
Objective 13.2 Create a job shadowing experience for CCP staff to gain greater awareness of cross-divisional functions.

Objective 13.3 Continue to re-examine existing office space and lab areas and reallocate where appropriate to meet changing needs of Division.
Objective 13.4 Coordinate the purchase of divisional supplies, particularly across varying grant lines.

Goal 14

Re-examine evening and weekend support services in conjunction with campus director and other campus divisions.

Objective 14.1 Identify desired functions and levels of service.

Youth Programs

Program Manager's Meeting
August 5, 2002
Summary of Minutes

Attendance: Rose Henderson, Paul Morris, Brigitte Staab, Kate Sullivan

The minutes from the last meeting were accepted.

Old Business

MBNA SAT Class - There were 13 students in the MBNA class - 12 from ETS and 1 from UB. 18 UBC students participated in the Summer Program. Paul's goal is to have 18 students take the SAT test.

School Evaluations - Paul asked that they be submitted to him. Kate asked if the evaluations go to the coordinators. Paul said that copies of the evaluations for their schools should go to the coordinators.

Summer Banner Registrations - Rose Henderson stated that Liz had 500 Banner registrations to do and may need help - some for ETS and some for UBC since Diana is not yet trained. She said that Ann Del Negro mentioned that it took only 20 minutes or so of training. Paul said that Diana is not yet set up to do Banner registrations. Rose stated that Ann indicated the budget is a priority. Paul agreed that the budget was a priority. Rose said she wanted clear directions on where emphasis is. Paul indicated the emphasis was on both the budget and the Banner registrations. Paul said that the Banner registration deadline has been known for a month now. Rose will let Paul know on Wednesday where Liz is regarding the registrations. Rose indicated that Liz could come in on Saturday to get it done.

College In-Service - Paul indicated that it is mandatory unless approved by Mr. Miller. It is too late at this point to write Mr. Miller. Paul said that all Leave Forms need to be signed by Susan Zawislak. Rose said that Brigitte Brown had put in a Leave Form to go to Florida. Rose signed it in June and submitted it to Human Resources. Paul went on record to say that Mr. Miller will not approve a Leave Form for the In-Service date if it is not already in the pipeline. Paul asked Rose for a copy of Brigitte's Leave Form.

New Business

Criminal Background Information - Paul asked for input about putting a line on the application form regarding criminal background. Paul said that they were concerned with criminal activity such as assault and rape. Kate Sullivan brought up an incident where

DEF 000288

person had a drug possession charge. Kate asked if the line is on college applications. Kate and Rose support the idea. Paul indicated that he just wanted their feelings. Legal may need to become involved. Paul cautioned that if we have the information, we might need to act on it. There is an issue with TRIO that they may not allow someone not to be accepted. It may be best not to put it on the application – because otherwise we would be responsible.

Incident Report - Paul said that the Incident Report is not yet put together. He emphasized it is important to get written statements from every party involved. This is the minimum of what needs to take place.

Behavior Contracts - Paul stated that steps need to be in place for dealing with unacceptable behavior. Parents need to be notified in writing. Parents need to sign contract. There needs to be training on how to do discipline, steps to take, and terms and conditions, i.e., if A happens, then B and C consequences will take place. Paul said that kids are changing – they are punching each other. Kate said that girls are becoming more physical. Paul agreed. Paul indicated that we also need Event Contracts.

Accessibility of Staff - Paul stated that we are responsible for our staff at all times, including summer staff. We need to know how to get hold of them. Rose said that they need better quality cell phones. Paul said Nextel has a walkie-talkie also. Rose said that one time a staff member did not have the cell phone on since she had no belt. Paul and Kate thought that carrying the cell phone in a case would solve the problem. Rose said they still need another cell phone. Paul suggested that a staff member could be on duty at a landline – with rotations of staff during the night. He asked Rose to run it by her staff. Paul said a table could be set up in the hall near a phone. Paul said that he was of the mindset that we need to know where our staff is at all times.

CCP Computer Labs - Room 359 has brand new computers – Kate's program purchased some, and Rose's program purchased some. We also have new computers in 357. There will be new computers in 360 in the future. The computer labs need to be supervised at all times. There have been problems with the changing of settings. The students will not be able to change settings once the computers are networked.

CCP Storage Cage – Paul said there is some confusion as to which cage is for CCP. Kate's program had put items in the wrong cage – probably in the one for Student Services. Paul mentioned that one person from each program was to dress down on Friday and go down to clean up the CCP cage. Any student records need to be shredded. Paul was concerned about knowing what was even in the cage – we may be purchasing items that are already stored down there.

Speaker Database – Paul stated that a speaker database will be created with name, phone number, organization, title, etc. Susan would like columns for speakers – one column on what area the speaker spoke on, and another column on when the speaker spoke last. This way we can pick speakers we have not used for a few years in CCP. Kate suggested that whoever is responsible for database should probably confirm all phone

numbers, etc. Paul asked for Kate and Rose to get as many names as possible and to give it to him by Friday.

CCP Director and CCP Assistant Director – Ann Del Negro and Susan Zawislak came in and announced that Paul was promoted to “Special Programs Director”. Susan stated that Paul will now be directly supervising Rose Henderson and Kate Sullivan. Paul will also review all fiscal paperwork.

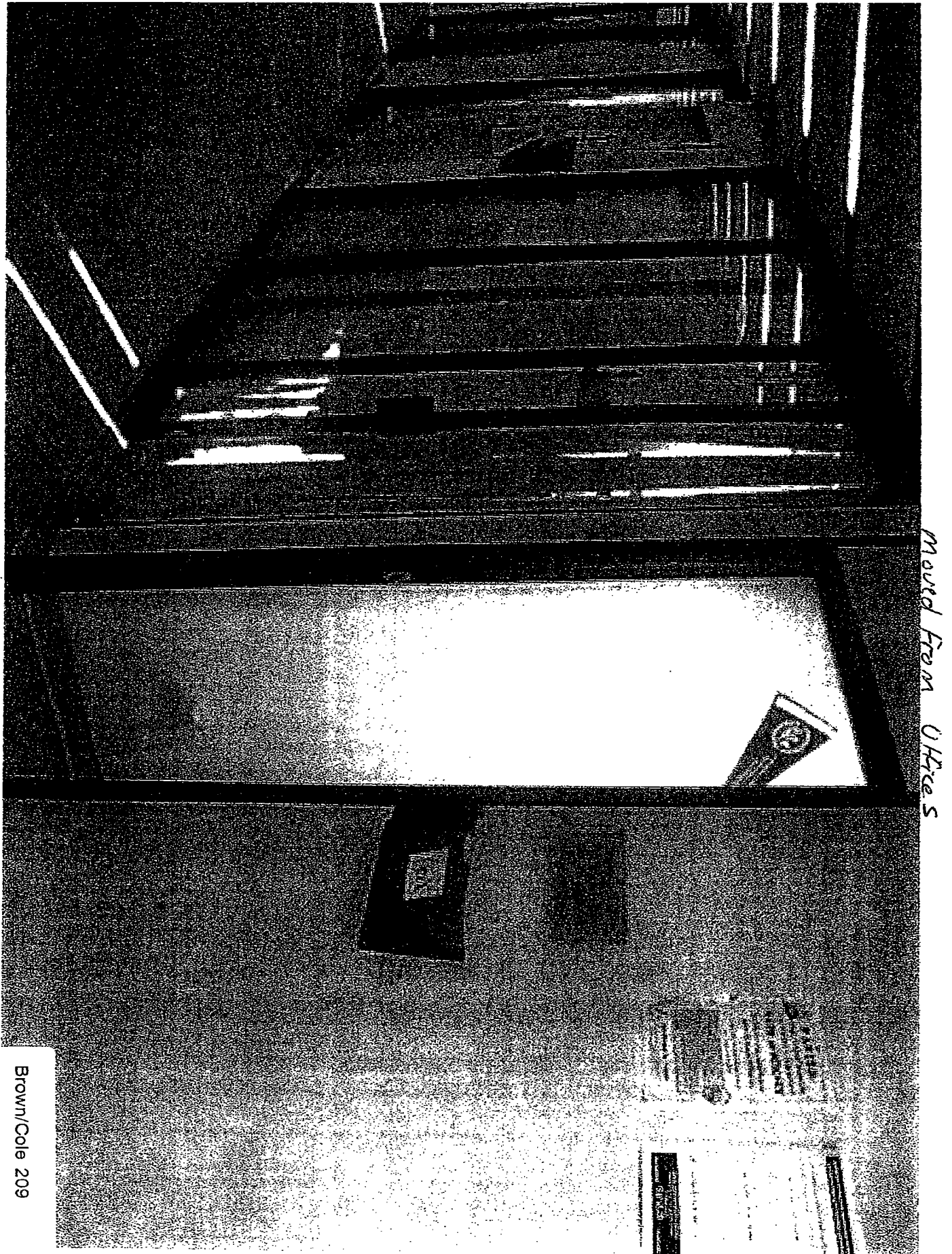
Other Business

Paul reminded everyone that the Equipment Supplies Inventory Sheet was due in August – he needs one for UBC. Kate indicated that Tonya was doing it.

Paul stated that it is a goal to define space for the TRIO programs by the end of September. ETS is lucky of have defined space. UB Math/Science needs defined space – with all personnel in the same area. Paul will let them know and ask for shared input. ETS needs space for part-time Program Coordinator. Rose’s program will be affected the most. Paul said we do not have many options on defined space. He ran it past Sue and Ann, and they thought defined space was a great idea.

Kate brought up the subject of decorations for the tutoring room. The present decorations can be carried through the summer. UB Math/Science will do the fall decorations, UBC will do winter, and SOAR will do spring.

Rose brought up the fact that she still needs a date for the fiscal meeting with Cliff. Paul told Rose he would get a date, but advised Rose to be ready. Rose asked Paul to sit down with her before the meeting with Cliff. Kate and Paul have already met for Kate’s program and will meet again before her meeting with Barry. Paul indicated that while he can provide guidance, he does not have time to manage other programs’ budgets.



**IN THE UNITED STATES DISTRICT COURT
IN AND FOR THE DISTRICT OF DELAWARE**

KENNETH COLE,

Plaintiff,

y.

**DELAWARE TECHNICAL AND
COMMUNITY COLLEGE,**

Defendant.

C.A. NO.

JURY TRIAL DEMANDED

COMPLAINT

INTRODUCTION

1. This is a Complaint brought pursuant to Title VII of the Civil Rights Act of 1964, as amended, codified as 42 U.S.C. § 2000(e) et seq., as amended by the Civil Rights Act of 1991, 42 U.S.C. § 704(a) and 42 U.S.C. § 1981.

PARTIES

2. Plaintiff, Kenneth Cole (hereinafter "Plaintiff"), is and was at all times relevant to this Complaint, a resident of the State of Delaware, residing at 3102 Wilmont Drive, Wilmington, Delaware 19810.

3. Defendant, Delaware Technical & Community College (hereinafter "Defendant"), is a statewide institution of higher education, i.e., a local community college, providing academic, technical, continuing education, and industrial training, and at all times relevant to this Complaint, the employer of Plaintiff Kenneth Cole. Defendant is subject to service of process through Delaware Technical & Community College; c/o Larry Miller, Office of the Campus Director, 333 Shipley Street, Wilmington, Delaware 19801.

JURISDICTION

4. Jurisdiction is founded on the existence of a question arising under federal statutes. This action arises under Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000(e) *et seq.*, as amended by the Civil Rights Act of 1991, 42 U.S.C. § 704(a) of Title VII of the Civil Rights Act. The jurisdiction of this Court is invoked to secure protection and redress deprivation of rights secured by federal and state law which prohibits discrimination against employees because of their race.

5. The state law claim regarding the breach of the implied Covenant of Good Faith and Fair Dealing is brought pursuant to the pendant jurisdiction of this Court.

FACTUAL BACKGROUND

6. Plaintiff was hired by Defendant as a part-time Student Enrichment Coordinator for the Upward Bound Math and Science Program (hereinafter "UBMS") at the Wilmington, Delaware campus in or around November 1999. Plaintiff has been continuously employed by Defendant for approximately five (5) years.

7. When Plaintiff began his employment, Defendant had three (3) federal-grant TRIO programs: the Educational Talent Search Program, managed by Mr. Paul Morris, a Caucasian; the Upward Bound Classic Program, managed by Ms. Kate Sullivan, a Caucasian female; and the Upward Bound Math and Science Program, managed by Ms. Rosetta Henderson, an African-American female.

8. In or around February 2001, a proposal was introduced by Ms. Ann Del Negro, Assistant Director of Corporate and Community Programs, to move the Upward Bound Classic Program staff into the offices that were occupied by Plaintiff and the other members of the Upward Bound Math and Science Program. In turn, Plaintiff's